

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)	
)	
KEVIN DANIEL KREMBS,)	CASE NO. 10-23222 KL
)	CHAPTER 13
)	
Debtor.)	

MOTION FOR RELIEF FROM STAY

Comes now the United States of America, on behalf of the Internal Revenue Service, by counsel, and moves the Court for entry of an order granting the United States of America, Internal Revenue Service, relief from the automatic stay to collect the debtor's 2011 and 2012 federal income taxes from the debtor's post-petition wages, post-petition income, including tax refunds, and from the bankruptcy estate's property, and in support of this motion for relief from stay, states as follows:

1. That the debtor filed this bankruptcy on July 10, 2010.
2. That the debtor filed a Chapter 13 plan on July 27, 2010, and that plan was confirmed on October 21, 2010.
3. That the plan does not contain any provision for the payment of post-petition taxes.

4. That the confirmed plan provides in paragraph E.1 that “Upon confirmation of the Plan, all property listed in the Debtor’s schedules shall not vest in the Debtor but shall remain property of the estate.”

5. That the debtor has accrued post-petition tax liability owed to the Internal Revenue Service for income tax in the amount of \$29,974.80 for tax year 2011 and in the amount of \$20,503.41 for tax year 2012, as of a date certain with statutory interest and penalties thereafter.

6. That tax year 2011 and tax year 2012 are post-petition tax periods. That the Internal Revenue Service is a post-petition creditor and seeks relief from stay to collect its outstanding post-petition liability.

7. That the United States of America asserts that the accrual or post-petition taxes owed by the debtor provides this Court with cause to grant the United States of America relief from the automatic stay to collect its post-petition debt from the debtor’s post-petition wages, post-petition tax refunds, and property of the bankruptcy estate.

8. That the government hereby expressly waives any requirement for a hearing within thirty (30) days on this matter. Counsel for the government would also note that counsel will be on vacation from July 22, 2013 through August 2, 2013 and from August 22, 2013 through August 29, 2013.

WHEREFORE, the United States of America files this motion for relief from stay;
prays the Court grant it relief from the stay pursuant to the terms herein; and for all other
relief proper in the premises.

Respectfully submitted,

DAVID CAPP
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of July, 2013, Robin W. Morlock, AUSA, electronically filed the foregoing MOTION FOR RELIEF FROM STAY with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following: Dan L. Whitten, Esq., 6183 Central Avenue, Portage, IN 46368; Paul R. Chael, Trustee, 401 West 84th Drive, Suite C, Merrillville, IN 46410; Nancy J. Gargula, U.S. Trustee, One Michiana Square Building, Suite 555, 100 East Wayne Street, South Bend, IN 46601; Dean Prober, Polk, Prober & Raphael, 20750 Venture Boulevard, Suite 100, Woodland Hills, CA 91364; John E. Joseph, Feiwell & Hannoy, 251 N. Illinois Street, Suite 1700, Indianapolis, IN 46204; and I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants: Kevin Daniel Krembs, 8138 Euclid Avenue, Munster, IN 46321.

/s/ Griselda J. Burge
Griselda J. Burge
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